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2 District of Nevada
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6 Counsel for Plaintiff United States

7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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9 United States of America,

10 Plaintiff,

11 vs.

12 Nicholas Garrott,

13 Defendant.

Case No.: 2:18-cr-00252-JCM-VCF

Stipulation to Continue Hearing
(First Request)

14 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States
15 Attorney, and Robert Knief, Assistant United States Attorney, counsel for the United States of
16 America, and Mace Yampolsky, counsel for defendant Nicholas Garrott, that the suppression
17 hearing currently set for February 11, 2019 at 1:00 p.m., be continued to a date convenient for
18 the Court but no sooner than seven days from the currently scheduled date.

19 This stipulation is entered into for the following reasons:

20 1. Government counsel is scheduled to be out of the state for training purposes.
21 Confirmation of the training was received the date of this stipulation and was delayed due to
22 the partial government shut down.

23 2. Defendant is in custody and does not object to the continuance.

3. For the reasons stated above, the ends of justice would best be served by a

1 continuance of the government deadline.

2 4. Additionally, denial of this request for continuance could result in a miscarriage
3 of justice.

4 5. This request does not extend the trial date and no waiver or extension of speedy
5 trial is necessary.

6 6. This is the first request for a continuance filed herein.

7 DATED this 4th day of February 2019.

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9 NICHOLAS A. TRUTANICH
10 United States Attorney

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12 /s/ Mace Yampolsky
MACE YAMPOLSKY
13 Counsel for Defendant

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15 /s/ Robert Knief
16 ROBERT A. KNIEF
17 Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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3 United States of America,

4 Plaintiff,

5 vs.

6 Nicholas Garrott,

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Case No.: 2:18-cr-00252-JCM-VCF

Order Stipulation to Continue Hearing
(First Request)

8 **FINDINGS OF FACT**

9 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court finds that:

11 1. Government counsel is scheduled to be out of the state for training purposes.
12 Confirmation of the training was received the date of this stipulation and was delayed due to
13 the partial government shut down.

14 2. The Defendant is in custody and does not object to the continuance.

15 3. For the reasons stated above, the ends of justice would best be served by a
16 continuance of the government deadlines.

17 4. Additionally, denial of this request for continuance could result in a miscarriage
18 of justice.

19 **CONCLUSIONS OF LAW**

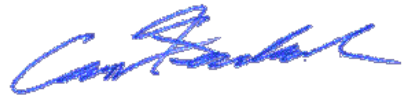
20 The ends of justice served by granting said continuance outweigh the best interest of the
21 public and the Defendant in a speedy trial, since the failure to grant said continuance would be
22 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
23 opportunity within which to be able to effectively and prepare a response, taking into account

1 the exercise of due diligence.

2 **ORDER**

3 It is therefore ORDERED that the suppression hearing currently set for February 11,
4 2019 at 1:00 p.m., be continued to the 22nd day of February, 2019.
5 at 1:00 PM, in Courtroom 3D.

6 Dated this 5th day of February, 2019.

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8 _____
9 Honorable Cam Ferenbach
United States Magistrate Judge